

## HAMPTON PLANNING BOARD

### Minutes

October 6, 2010 – 7:00 p.m.

**PRESENT:** Fran McMahon, Vice Chair  
Keith Lessard  
Robert Viviano  
Ann Carnaby, Alternate  
Robert Bilodeau, Alternate  
Rick Griffin, Selectman Member  
James Steffen, Town Planner

**ABSENT:** Mark Loopley, Chairman  
Tracy Emerick  
Mark Olson, Clerk

### CALL TO ORDER

Vice Chairman McMahon began the meeting at 7:00 p.m. by introducing the Board members and leading the Pledge of Allegiance to the flag.

Mr. McMahon discussed a change in the agenda. He requested that the Board move 19 Thornton Street from “Continued Public Hearings” as the first agenda item as the applicant is dealing with medical issues.

**MOTION** by Mr. Viviano to hear 19 Thornton Street as the first agenda item.

**SECOND** by Mr. Bilodeau.

**VOTE: 6 – 0 – 0**

**MOTION PASSED.**

**19 Thornton Street** Map: 303 Lot: 10 (continued from May 5, 2010 & July 7, 2010 & August 4, 2010)

Applicant: Marielle Riendeau

Owner of Record: Marielle Riendeau

Special Permit to repair and stabilize sea wall.

Ms. Riendeau appeared. She stated her wall is completely repaired and she's thankful for being authorized to be permitted to do so since she started the process last year. The water was on her porch. Mr. McMahon asked if she met with the Conservation Commission and had received the their letter to which she stated “yes” and that she agrees with the stipulations.

### BOARD

Mr. Steffen stated it is an after-the-fact permit. The Planning Board held off on the approval until we received the as-built plan, which the Board now has.

**MOTION** by Mr. Bilodeau to approve the special permit in accordance with the letter from the Conservation Commission’s dated September 30, 2010.

**SECOND** by Mr. Viviano.

## HAMPTON PLANNING BOARD

### Minutes

October 6, 2010 – 7:00 p.m.

**VOTE: 6 – 0 – 0**

**MOTION PASSED.**

### **I. ATTENDING TO BE HEARD**

- June White – Beach Area  
Design Guidelines  
Martial Arts Weapon Sales-Regulation of Weapons

Ms. White appeared. Mr. McMahon stated for the record that this is not a part of a public hearing, but a conversation between Ms. White and the Board. No action will be taken tonight. Ms. White discussed the weapons issue. She noted that in many stores there is an increase in mixed martial arts collectibles such as swords, knives, six-inch spike weapons, air pistols, etc. The number of stores also continues to grow. Ms. Stiles put a bill through Concord to regulate these items. Mr. Rage is working with the Board of Selectmen right now on a local ordinance. Some stores will be grandfathered. She wants weapons the back of the stores or located in a separate room. She wants no more stores to be allowed to bring in weapons. She wants to see the Planning Board to put forth a zoning ordinance article, keeping them away from the parks and beach area as it is a public safety issue.

### **BOARD**

Mr. Viviano asked if we had discussed this matter already. Mr. Lessard said the Precinct discussed what was sold. Mr. Steffen said it was discussed after the bill was passed. Mr. McMahon hasn't read the bill. Mr. McMahon discussed "martial arts" - not guns, not knives that fishermen need for their jobs. Mr. Gephart discussed the blow gun incident and being a victim of a weapon. He has found some guns on the streets as well. He is worried about the children and pets in the area. Mr. Race discussed that an area should be chosen like adult entertainment where sales would be allowed. Businesses already selling these products would continue; just change where the weapons are set out. Mr. Lessard asked about the areas they could be sold in. Mr. McMahon asked where Mr. Rage wants them to not be permitted. Mr. Rage said near the parks. Mr. McMahon stated the zoning ordinance has to be specific depicting where weapons can be placed. Mr. McMahon also stated there are two ways zoning codes can be amended: one way is by petition article and the second way for the Planning Board to propose a zoning amendment. In either case, it needs to go to the voters in March and get voted either up or down. If the Planning Board chose a petitioned article, the Planning Board needs a public hearing prior to the Planning Board putting forth an article. It goes for public review and public comment, modification and then possibly will go on the ballot. Ms. White said she has only until December 8<sup>th</sup> to do the petitioned article. The Planning Board sponsored articles are at a later date. Ms. White wants the Planning Board to put it forward. Ms. Carnaby asked why not do both. Mr. Lessard stated a group may put forth the proposal and then bring it to the Planning Board to see if it will be supported. Mr. Lessard stated that once a shop are closes, when would it not be considered not a business anymore. Mr. Viviano stated if the Planning Board goes with

## HAMPTON PLANNING BOARD

### Minutes

October 6, 2010 – 7:00 p.m.

this, it should include the whole town. Mr. Steffen stated it is permitted in the Industrial Zone, but they can't be located within 1,000 feet of churches, schools, daycare facilities, etc.

Mr. McMahon said it has to be very specific and the proposal would meet the letter of the law. If Mrs. White has thoughts, she should craft the verbiage and the Planning Board will go from there. Mr. Lessard does not want to put businesses out of business. Mr. McMahon asked if the Precinct discussed this yet as an elected body. Mr. White said it was brought up in Concord where Ms. Stiles handled it.

Ms. White said before guns, they were selling country craft type things, and now the stores have gone to weapons and she doesn't understand it.

Ms. Stiles appeared. She stated Attorney Gearreald appeared in Concord on this matter as well. She stated that this is not to prohibit sales. The community at the beach is working hard to provide safety at the beach. She is hopeful it will go forth in a cooperative effort.

Linda Gephard appeared. She pulled the 4-inch dart off her husband's back. She stated it could puncture a lung. It hit a bone of her husband's shoulder. Her frustration of when it happened was calling 911; the police came and said he didn't see those weapons. She gave all information to police. The Officer went up the beach and said they are being sold for \$8 at the beach. If the shop owner had to keep a record, there would be no discrepancy. No accountability or record of who is purchasing weapons is kept. The Gephards had a good description of the person, the license plate, etc., for nothing. A stun gun is \$29 or \$39. It should not be in a tourist area.

Mr. McMahon stated Ms. White needs to work with Mr. Steffen and Mr. Gearreald so that the Board can approach this issue. Mr. Lessard discussed the legal age for sales. Some of the weapons are not martial arts. Throwing darts were discussed also. They are not for a dartboard; they are referring to Chinese stars. Ms. White said they will be specific.

Ms. White discussed the guidelines she handed out to the Board tonight for the Board to review. Mr. McMahon explained that design guidelines do not need to go in as a zoning article.

Ms. White discussed Dover, New Hampshire winning awards for form-based zoning codes. Mr. Viviano discussed design criteria. Mr. Viviano thinks it has to go to ballot. Mr. McMahon discussed the level of detail.

- Change of Use – 32 Depot Square, Unit #1

Mr. Ron Boucher appeared. He discussed three plans—the existing floor plan, the site plan and the updated proposed plan. The change is to the space vacated by the tenants who occupied ½ of the upstairs. Mr. Boucher was approached by a commercial retail establishment to take over the baking production for that business. He is proposing to renovate for the second floor bakery which will be for production purposes and classes. They already do training and baking on the first floor. He noted the first floor is at full capacity. The second floor would be renovated to encompass the commercial baking (early mornings) and pastry arts classes (later in the day/evening). One tenant is left. She's an acupuncturist. She is currently in 5-A and will be moved to 7-A.

## **HAMPTON PLANNING BOARD**

### **Minutes**

**October 6, 2010 – 7:00 p.m.**

#### **BOARD**

Mr. Viviano asked about the space- as far as baking and cooking. He asked if the applicant meets all of the health codes. Mr. Steffen said it should be conditioned on Mr. Boucher meeting all codes.

Mr. McMahon asked how Mr. Boucher will service the proposed bakery. Mr. Boucher showed the freight elevator on the plan (not existing yet). In front of freight elevator is his current delivery area. Mr. Boucher stated it is a necessity to install a freight elevator. Mr. McMahon asked about the walk-in cooler and structural capability for the building to handle that. Mr. Boucher has engaged an engineer and he has a letter stating what should be done to shore up the floor. Direct venting was discussed. Emmanuel Engineering looked at the area and has a preliminary plan, which he has given to the Building Department. His next step is to engage the services of Emmanuel Engineering to make sure it will be structurally sound. Fire protection was discussed. Mr. McMahon asked about truck access to the elevator. He stated it is a tight location. Mr. Boucher stated there are deliveries once a week now and he does not expect more.

Mr. Lessard asked Mr. Boucher to explain the classrooms and subletting. Mr. Boucher stated all business is through Chez Boucher.

**MOTION** by Mr. Viviano to approve the change of use.

**SECOND** by Mr. Bilodeau, adding that applicant shall obtain all necessary permits and licenses. Mr. Lessard asked if it should say “school/service” - into the Motion. It is currently zoned “Business” per Mr. Boucher and Mr. Steffen. It is a food service establishment. There is not a designation for cooking schools.

**VOTE: 6 – 0 – 0**

**MOTION PASSED.**

## **II. NEW PUBLIC HEARINGS**

### **20 Great Boars Head Avenue**

Map: 267 Lot: 51

Applicant: Beverly Hollingworth

Owner of Record: Same

Special Permit to Impact Wetlands: Rebuild/Repair Seawall

Ms. Hollingworth appeared. Several years ago she noted the rip rap was eroding in certain places. Water was coming up onto the stones toward their house. She and her husband took rocks thrown up on property from the ocean to put up the wall immediately in front of their foundation. They are hoping the wall protects the foundation. They are not using soil, stone dust or cement. Bill Gilligan, Ms. Hollingworth's husband, stated they presented a plan to the Conservation Commission and the Commission approves of what they are doing. No heavy equipment has been used. All work has been done by hand to protect

## HAMPTON PLANNING BOARD

### Minutes

October 6, 2010 – 7:00 p.m.

the foundation of the house. They have the letter from the Conservation Commission recommending approval.

### PUBLIC

Attorney Peter Hutchins appeared. His property abuts the Hollingworth property to the West. He stated that a dangerous precedent is being presented. He discussed the Comprehensive Shoreland Protection Act. He discussed its regulations. Disturbance of the shoreline was discussed. He stated it is a post-construction permit. He asked how the Planning Board can approve a permit for work that has already been completed. He and his wife reported their concerns to the Town in 2009. Mr. Gilligan resumed work. Mr. Hutchins stated a cease and desist order was issued. He discussed the Hampton ordinances. He stated the wall has been built and he thinks the only thing appropriate to do is to take wall down, restore rocks and then have the applicants begin application permit all over again.

Mr. Hutchins discussed repairing or rebuilding. He stated it is posted as a repair and rebuild. He stated there was no prior wall. He discussed the aerial photos. He stated the house has been there for 120 years. Cement falling off the applicant's foundation was discussed.

Mr. Hutchins discussed there is no engineering report. He stated a two-foot wall will not stop a storm surge. He wants to know the exact purpose of the wall. Erosion was discussed. He stated the rocks were put there by the State of New Hampshire and that is what the applicants are using. He wants a scientific engineering report. If the application is passed, it is setting a precedent. The wall being a permanent wall was stated.

No other walls being on Boars Head was discussed. Violation of State law was discussed. Ms. Hollingworth being a State official violating the rules was discussed. He stated the Planning Board does not have jurisdiction. He wants the wall taken down, the shoreland restored and then Mr. Gilligan and Ms. Hollingworth can then re-apply.

He stated he and his wife submitted a formal complaint to the DES. He's gave a copy of it to the Board.

Mr. Diener of the Conservation Commission appeared. He is disappointed and regrets that this is an after-the-fact application. He stated the Conservation Commission discourages after-the-fact permits. In this instance, the Conservation Commission spoke with the DES, Frank Richardson, and he has been down to see the wall. The Commission did not receive anything from the DES stating that it's a problem. Mr. Diener stated that the Shoreland Protection Act does not apply here. Local materials were used, it was constructed by hand, and no mortar in the wall. It is not a permanent wall in that case. The Conservation Commission does not see it being an issue as far as impacting the shoreland or abutting properties. He reiterated they regret it is an after the fact, but he doesn't see it's enough of a problem to take the wall down and have the applicants start all over again.

Mr. Gilligan stated the application does not state "re-build" - it states "create". He also regrets this is an after the fact. The wall is not done, but he regrets it is an after the fact. He

## HAMPTON PLANNING BOARD

### Minutes

October 6, 2010 – 7:00 p.m.

didn't act in bad faith. He said no Cease and desist order was given to them. They stopped the work voluntarily.

#### BOARD

Mr. Lessard stated that the Board relies upon Conservation Commission to review the applications. The Planning Board has letter of recommendation from Conservation Commission. After the facts happen occasionally as people try to protect their homes. He stated the Board dislikes it when people build without permits, but Board has to be somewhat reasonable with after-the-facts. He doesn't see any cease and desist or paperwork stating that the State does not approve it. Mr. Steffen stated we have an expedited application to the State. The State is acting on it after the Conservation Commission and Planning Board acts. Mr. Viviano asked the Hutchins how it is causing erosion on their property. Mr. Hutchins stated he did not say it was causing erosion to his property.

**MOTION** by Mr. Lessard to grant the special permit with the stipulations contained in the August 27, 2010 Conservation Commission letter.

**SECOND** by Mr. Bilodeau.

Mr. Griffin stated that the Conservation Commission has been very thorough with the application. No one is accusing them of going lightly on anyone. He stated Mr. Diener and the Commission are doing a great job.

**VOTE: 6 – 0 – 0                      MOTION PASSED.**

#### **12 Butternut Hollow**

Map: 183 Lot: 18

Applicant: John S. Fleming, Jr.

Owner of Record: Same

Special Permit to Impact Wetlands: Replace existing shed maintaining same perimeter footprint

Ray Piet, contractor for the applicant, appeared. The applicants want to rebuild the shed that is rotting. He will maintain the dripedge setback between houses #12 and #11. He measured the distances as noted. On September 30<sup>th</sup>, the Conservation Commission letter was given to him. Mr. Lessard was at the Conservation Commission site walk. He stated it is well staked out and it showed that the shed is being replaced in kind. It will be off the ground and water will flow underneath it. Mr. Lessard sees no opposition to replacing the shed.

**MOTION** by Mr. Lessard to grant the special permit in accordance with the letter from the Conservation Commission dated September 30, 2010.

**SECOND** by Mr. Viviano.

## HAMPTON PLANNING BOARD

### Minutes

October 6, 2010 – 7:00 p.m.

**VOTE: 6 – 0 – 0**

**MOTION PASSED.**

### **30 Glade Path**

Map: 273 Lot: 12-1

Applicant: David W. Lefebvre

Owner of Record: Same

Special Permit to Impact Wetlands: To stabilize eroding bank; to install section of pervious pavers to replace patio blocks and to install new landscaping.

Alden Beauchemin of Nobis Engineering the engineer for the project, handed out a new plan. He explained that they are trying to stabilize the eroding bank. He showed the existing patio falling apart. He went over the revised plan for the Board. He discussed the issues of the Conservation Commission. He made note of rosebushes on the bank. He discussed revisions made to Note #7.

Mr. Lessard discussed his appearance at the Conservation Commission meeting. He discussed Unit 2 and the wall. Mr. Beauchemin noted that it is all one property. The building with the vinyl fence behind was discussed. Access concerns from Conservation Commission were discussed. He showed the access areas. Note # 5 will be made clear on the plan describing where the work will take place. Mr. Lessard asked about the sequence of construction. Piscataquog Landscaping discussed going to the right and working backwards. They will probably start on either side, but do the riprap first, then migrate toward the left side to pervious pavers. They will start on the east side and head west. Removing the fence or fence panels was discussed to approach the bank. Mr. Lessard discussed his concern about removing the bank. Staying off the slope was discussed and staying off the Town property line was discussed. The celestial tide chart was also discussed. Mr. Lessard discussed pine tree removal and cutting the stumps flush.

Mr. Jay Diener of the Conservation Commission appeared. He stated that there is not a specific requirement for the height of the stump. An Esker Drive situation was brought up by Mr. Viviano. Mr. Viviano wants to be consistent. There is a requirement for the stumps. Mr. Diener stated as long as the stumps remain, the Conservation Commission is happy.

### **PUBLIC**

Mr. Diener appreciated the applicant redrafting the plans. He looked at the plans and they are in accordance with Conservation Commission conditions. If the Town property is going to be worked on, Mr. Diener told them they would have to go before the Board of Selectmen. Restoration was discussed. He stated the applicant is well aware of Town property issues. The Conservation Commission was unclear as to the impact on the marsh. Working from the top of the wall down was discussed.

Mr. Lessard discussed the crushed stone driveway being replaced by impervious pavers. The engineer showed it on the plan. Nothing is going to change in that area. He is going to the property line and not into Glade Path.

## **HAMPTON PLANNING BOARD**

### **Minutes**

**October 6, 2010 – 7:00 p.m.**

Pavement and pavers were discussed. The applicant wants to leave it as gravel. Mr. Lessard asked if there is a driveway permit for the second driveway. The applicant stated it came with the permit for the property. The driveway versus larger patio was discussed by Mr. Lessard. When the applicant sought the file for the property, he was told the file was non-existent—ruined in the town office flood. Mr. Lessard stated that the driveway should never be paved or be impervious. The applicant asked about what the objection would be. The neighbors' houses and surface driveways were discussed. A note should be put on the plan that it will never be paved. Mr. Lessard said because it is in the buffer. The applicant would have to apply for a special permit and it would be denied. Mr. Lessard wants consistency.

**MOTION** by Mr. Viviano to approve the special permit in accordance with the stipulations contained in the letter from the Conservation Commission dated September 30, 2010, and with the condition that the driveway shall not be paved without Special Permit approval.

**SECOND** by Mr. Bilodeau.

**VOTE: 6 – 0 – 0.**

**MOTION PASSED.**

#### **7 Island Path & 10 Ashworth Avenue**

Map 0282 Lot: 0082

Applicant: Michael R. Vagnoni

Owner of Record: Same

Appeal of disapproval of Driveway Permit to resurface pre-existing non-conforming driveways.

Mr. Vagnoni appeared. Resurfacing the driveway was discussed. After 50 feet of width, he was told by the Department of Public Works he cannot repave. Mr. Steffen noted the new driveway regulations and the requirement for pre-existing driveways. He read the new regulation stating the driveway cannot be more than 50 feet in width. He has a total of more than 50 feet. DPW could not approve the resurfacing of the driveway as it is over the 50 feet in width. The Planning Board can overturn the disapproval. Mr. Vagnoni is afraid of people tripping and falling and is also concerned about water damage and icing. His house could flood if it's not taken care of. He also wants to make his property look better.

Mr. McMahon discussed curbing. Walking on the Island Path side was noted as being hazardous.

Seven parking spaces were discussed. Mr. Viviano asked why this is going before the Planning Board. It was stated that appeals are to go before the Planning Board if the DPW does not approve the permit. Mr. McMahon thinks the curbing was unusual. Runoff down the street was discussed.

Mr. McMahon asked what the Planning Board is granting. Mr. Steffen said it's a pre-existing situation. Mr. Viviano asked why the DPW did not approve the permit. It was reiterated that it was because of the driveway size. Mr. Lessard asked what the total width of the driveways were. The applicant stated 113 feet. Abutting the public way was discussed by



## HAMPTON PLANNING BOARD

### Minutes

October 6, 2010 – 7:00 p.m.

Mr. Lessard. Mr. Lessard discussed relief. Crushed stone not shown on the site plan was discussed by Mr. Lessard. Mr. Lessard needs clarification on the granting of the waiver. Driving across the curb was discussed by Mr. Lessard. Mr. Steffen said we may need more details about actual footage.

**MOTION** by Mr. Lessard to continue the matter to its October 20<sup>th</sup> meeting in order to review the driveway measurements and provide a more detailed plan.

**SECOND** by Mr. Viviano.

**VOTE: 6 – 0 - 0**

**MOTION PASSED.**

### III. CONTINUED PUBLIC HEARINGS

#### 17 Vanderpool Drive (continued from 9/1/2010)

Map: 110 Lot: 4F

Applicant: Robert Chatigny

Owner of Record: Same

Special Permit to Impact Wetlands: Install locking-block retaining wall & widen driveway

Mr. McMahon stated the Planning Board has not received a continuance request from the applicant, but he believes they are returning to the Conservation Commission.

Mr. Diener stated that the Conservation Commission recommended to the applicants that they hire an engineer.

**MOTION** by Mr. Lessard to continue the matter to the November 3, 2010 meeting.

**SECOND** by Mr. Bilodeau.

**VOTED: 6 – 0 – 0**

**MOTION PASSED.**

#### 285 Ocean Boulevard (continued from 9/1/2010)

Map: 282 Lot: 86

Applicant: Mrs. Mitchell's Country Shoppe

Owner of Record: Same

Site Plan Review: Reconstruct gift shop with two residential units

Keith Lessard recused himself from this matter.

John Tuttle appeared and handed out new plans. Attorney Ells appeared with Bob Mitchell, President of Mrs. Mitchells. Henry Boyd from Millenium Engineers was also representing the application. The revised plans were discussed. The plans have gone to Ambit for review and comment. Mr. Boyd provided responses to Ambit's concerns. Mr. Boyd handed out additional plans. Mr. Boyd discussed his gratitude of Ambit responding so quickly. The site utilities were discussed. The roof runoff and drainage plan were explained. Not seeking waivers was discussed. Pervious pavement was discussed. Doors at rear of the building and a pressure-treated deck were discussed. A variance chart was handed out as well

## HAMPTON PLANNING BOARD

### Minutes

October 6, 2010 – 7:00 p.m.

and the variances granted were discussed. Proposed grades on the plan were discussed. Spot elevations were discussed. Proposed power connection, a transformer and its location was discussed. Unitil contacted the builders and the transformer will be re-hung. Mr. Boyd will add that to the plan.

A decision needs to be made on the water service and the sprinkler system.

A deck being added to the cross section was discussed. The color of the cement will be a natural shade of portland cement, but it is not on the plan yet.

Mr. Boyd added maintenance requirements to the plan. The silt fence is on the McKeon side of the property with their permission and is only temporary.

Mr. Griffin asked about the landscaping and if that is the Town's request. Attorney Ells discussed at the first meeting that there is an area – off site, which is part of the Town property and they weren't sure how to proceed. Aesthetically, it's an important area...turning onto Ashworth Avenue. The Mitchells want landscaping, but know it's not their property. He asked for comments from Mr. Steffen on whom to speak with. Mr. Mitchell has offered to donate trees or whatever they prefer with the understanding that it's a donation to the Town and the Department of Public Works will do the planting and take care of the area. Maybe not using beach roses, but the Mitchells will work with the Department of Public Works.

Mr. Steffen stated he has everything noted in the conditions of approval. Mr. Griffin stated maybe the beach beautification committee can work with them too. Mr. Griffin stated the Board of Selectmen would accept the donation of trees.

Mr. McMahon asked about pervious concrete and its maintenance. Mr. Boyd stated it needs to be vacuumed once a year or pressure washed.

Mr. McMahon asked about freezing conditions. Mr. Boyd said there's a deep stone bed and surface freezing should not be a problem. Snow removal was asked about. Attorney Ells stated they do not use it in the winter. The apartments are seasonal also. November 1<sup>st</sup> they drain it out and they reopen in the spring. Snow would maybe have to be trucked off site.

Mr. Steffen discussed the Department of Public Works memo. He noted their concern about parking for the two cars located where they would have to back out onto Ashworth Avenue. He noted a driveway permit will be needed. It was noted that it was a driveway in the past. It is less than 50 feet according to Mr. Boyd. Mr. Mitchell stated people will not be backing out into traffic as there is enough room to back out before you reach Ashworth Avenue.

Mr. McMahon asked about trash and recycling. Mr. Mitchell said they've always had curbside pickup. Mr. Mitchell used to have a cardboard dumpster.

Mr. Steffen read his recommended conditions of approval. Mr. Steffen stated that a condition should be added about the driveway permit. Also any work involving reconnection to sewer service will have to be addressed. The estimated observable high tide line was discussed by Mr. Boyd and it being 350 to 400 feet to the high water mark.

**MOTION** by Mr. Viviano to approve the site plan for the reconstruction of the gift shop with two residential units per the Planner's Memorandum dated October 5, 2010 with the items Mr. Steffen specified from the Department of Public Works Memorandum dated October 6, 2010. The highest observable tide line shall be added if applicable and the notes that we

## HAMPTON PLANNING BOARD

### Minutes

October 6, 2010 – 7:00 p.m.

agreed to change or add regarding the pervious surface area...not bituminous, but Portland cement and the color of the concrete changed.

**SECOND** by Mr. Bilodeau.

The active and substantial definition information was read by Mr. Steffen. Attorney Ells said they will start immediately so that one shouldn't be an issue.

**VOTE: 5 – 0 – 1 (Mr. Lessard abstained)      MOTION PASSED.**

#### **105 Towle Farm Road**

#### **Smuttynose Brewery (continued from August 4, 2010)**

Map 122, Lot 1

Applicant: Sustainable Ales

Amended Site Plan Review-Construction of a

brewery & restaurant with associated site improvements

Eric Weinrieb from Altus Engineering and Peter Eggleston, owner of Smuttynose appeared. All of the site design issues that were noted in the reviews have been corrected. The farmhouse is going to be moved to the eastern portion of the property and it will be a restaurant. The need for increasing parking was discussed. They eliminated porous pavement from the site. Asphalt pavement is not strong and durable enough. They are going to be using instead heavy duty asphalt pavement.

The detention pond and drainage area was discussed. Copies of letters were handed out by Mr. Weinrieb.

The Fire Department's comments were discussed. The generator was discussed. They are installing a pre-treatment system for sewage. He is referring to State DES letter dated October 6, 2010. **(to be attached to the Minutes).**

A second service will be added to the fire suppression service with regard to the Fire Department. Looping of the water lines was discussed. (See #4 of Altus letter).

Mr. Lessard asked about the additional restaurant and traffic on the Towle Farm Road. The first restaurant will have fewer seats than the original restaurant. Traffic for the restaurants was discussed. Mr. Weinrieb said six months after the restaurant is open they will do an additional traffic study. Putting another condition six months after the 2<sup>nd</sup> restaurant should be considered as well. Mr. Weinrieb wants full disclosure.

Mr. McMahon asked about the six-month traffic review. Abutter concerns were discussed as they are worried about traffic. Mr. Steffen discussed the traffic signal issues. Mr. Lessard asked Mr. Steffen about how the Planning Board enforces traffic issues. Mr. Steffen said they'll have to come back. He asked if there is a bond or a study required.

Mr. Viviano asked what would come first, the brewery or the small restaurant. Mr. Eggleston said the first phase will be a manufacturing facility and the smaller restaurant located in the farmhouse. The larger restaurant will be bound by dotted lines on paper, but won't be built for quite a while.

## HAMPTON PLANNING BOARD

### Minutes

October 6, 2010 – 7:00 p.m.

Preservation of the barn was discussed. The seating area was shown on the plan. It will be used for other functions but the applicant isn't sure for what yet.

Ms. Carnaby asked about parking for fuel efficient vehicles. Site aspects were discussed for bike racks, etc.

Mr. Lessard asked for the floor plan of the building. Mr. Viviano asked about the building footprint. It was noted that there will be forty-eight seats and an apartment upstairs.

Mr. Steffen discussed the traffic signal warrant analysis – six months after they open. He asked the Planning Board for their thoughts. Mr. Viviano stated that the Planning Board should look at it six months after opening and then six months after phase II--whenever that may be.

Mr. Lessard asked about seasonality.

Ms. Carnaby said the 2<sup>nd</sup> evaluation “may” be asked for. Board members felt that the 2<sup>nd</sup> revisit is more important than the first.

Mr. Eggleston discussed completing the second phase, and stated that they may not operate it as a restaurant. They are waiting to see which direction to go. They may not have two restaurants on the same site.

Mr. Lessard asked about the methane gas being treated as a capped well or own distilling process to collect vapors. He asked if there will there be a discharge.

Mr. Eggleston discussed there will be no odors from the brewing process. A pre-treatment system was discussed. Methane gas will go to a bladder tank which is a twelve foot in diameter beach ball type structure. The operating generator start on and the gas will kick on. A flare being in place was discussed.

Odors were further discussed. A sulfur odor should not be an issue. Mr. Eggleston had a meeting with the DES Air Division and they will be well monitored by them.

Mr. Weinrieb said it will be licensed and inspected.

The flare is self ignition and the applicant has not been in touch with the Fire Department yet about it.

**MOTION** by Mr. Viviano to approve the amended site plan with the nine conditions that Mr. Steffen read from his Memorandum dated October 3, 2010.

The cost estimate for signaling the intersection was asked about by Mr. Weinrieb – with a six-month estimate being noted. Mr. McMahon stated they need to come back to the Planning Board with a report, but do not need to cost estimate to start the project. Mr. McMahon believes that the traffic analysis needs to be conducted for at least six months including the months between June and October. The busy season was discussed, and having a minimum of six months with the peak months June through October being included. The traffic impact analysis condition shall apply to both phases of the project.

**SECOND** by Mr. Lessard.

It was noted to double check the plans – the first approval and then the second and make sure all language is accurate and included in the conditions of approval.

**HAMPTON PLANNING BOARD**

**Minutes**

**October 6, 2010 – 7:00 p.m.**

**VOTE: 6 – 0 – 0            MOTION PASSED.**

**IV.    CONSIDERATION OF MINUTES**

**MOTION** by Mr. Viviano to approve the September 15, 2010 Minutes.

**SECOND** by Mr. Lessard.

**VOTE: 5 – 0 - 1    (Ms. Carnaby abstained)            MOTION PASSED.**

**V.    CORRESPONDENCE**

**VI.   OTHER BUSINESS**

- 2011-2017 Capital Improvements Program Summary Report

Due to the late time, it was agreed upon to move this business to the October 20<sup>th</sup> meeting date.

- Mr. Steffen discussed the special permit application changes, specifically the engineer's stamp requirement for grade changes. Per Mr. McMahon this will be discussed at next meeting.
- Brook's Lane was discussed regarding calling the bond to finish the road. Mr. Lessard said he felt it wasn't right that applicant wasn't told of this. Mr. Steffen noted that Mr. Rallis has a cost estimate from Bell & Flynn and they will start the paving next week.
- Mr. Lessard asked about Baron Estates and the trees that were removed. He stated some old trees were taken down. Mr. Steffen stated a couple of trees were taken down, but not the buffer. They were taken down to put up a fence. No detention pond being put in one location was discussed. Mr. Steffen said it was addressed at a previous meeting. Mr. Steffen said we now have a corrected plan. Mr. Viviano said they need to come in for the final approval. The changes are significant in his opinion. Mr. Steffen said it is a treatment swale. Mr. Viviano wants to see the final plan to see if it is what was approved from Board before. Mr. Lessard stated the neighbor across the street was concerned about lights coming into his house. Mr. Steffen said we still have a portion of the bond in place. Mr. Lessard asked how we deal with this in the future. How will the Planning Board enforce it approves. Mr. Bilodeau said we have no enforcement with the Town. Mr. McMahon said the Planning Board should do a punch list to follow up on projects. Mr. Bilodeau said either have Mr. Steffen follow up or have the Planning Board members individually follow up.
  - Mr. Steffen noted that we are looking to find a new consulting engineer and we could possibly task that to them. Site plan compliance was further

**HAMPTON PLANNING BOARD**

**Minutes**

**October 6, 2010 – 7:00 p.m.**

discussed. Mr. Bilodeau discussed the developer putting down a security bond and if the developer does not comply, then the Town keep the security bond. Mr. McMahon said to put these options on table for a future meeting.

Mr. Steffen spoke about the headlight issue and read an email from September 28<sup>th</sup> that hopefully resolves the issue.

**VII. ADJOURNMENT**

**MOTION** by Mr. Bilodeau to adjourn.

**SECOND** by Mr. Griffin.

**VOTE: 6 – 0 - 0**

**MOTION PASSED.**

MEETING ADJOURNED: 10:30 p.m.

Respectfully submitted,

Laurie Olivier

Administrative Assistant